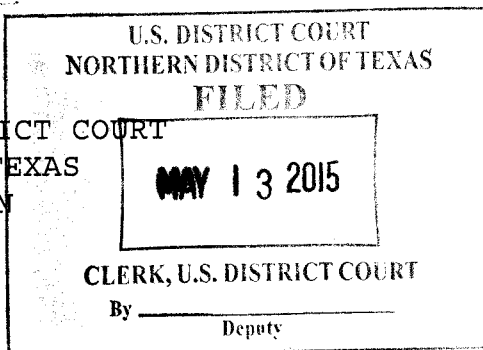


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



CHRISTOPHER DAVIS,

Plaintiff,

VS.

CABELA'S WHOLESALE, INC.,

Defendant.

§
§
§
§
§
§
§
§

NO. 4:15-CV-365-A

ORDER

The above-captioned action is before the court by notice of removal filed by defendant, Cabela's Wholesale, Inc. Plaintiff, Christopher Davis, initiated this action by the filing of an original petition in the 17th Judicial District Court of Tarrant County, Texas. Having now considered the notice of removal and the state court papers attached thereto, the court finds that plaintiff should file an amended complaint consistent with the requirements of this court.

The filing of an amended complaint is not a trivial matter. Rule 81(c) of the Federal Rules of Civil Procedure provides that following removal, "repleading is unnecessary unless the court orders it." A complaint in federal court must plead facts that show the plaintiff's right to relief is plausible.¹ Ashcroft v.

¹The court recognizes that by reason of Rule 91a of the Texas Rules of Civil Procedure the Texas pleading requirements are essentially the same as federal requirements.

Iqbal, 556 U.S. 662, 679 (2009). Further, the court does not accept conclusory allegations or unwarranted deductions of fact in a federal court complaint as true. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Rule 9 of the Federal Rules of Civil Procedure also imposes additional pleading requirements on a party alleging fraud or mistake. Thus, the court finds it beneficial to its adjudication of the case to have the plaintiff in a removed action replead.

Bearing in mind the aforementioned principles, the court now concludes that plaintiff should file an amended complaint that complies with (1) the requirements of Rule 8(a), Rule 10, and, if applicable, Rule 9, of the Federal Rules of Civil Procedure; (2) the Local Civil Rules of the United States District Court for the Northern District of Texas; and (3) the undersigned's judge-specific requirements as set forth in the form status report order available at http://www.txnd.uscourts.gov/judges/jmcbryde_req.html. Upon receipt of the amended complaint, each defendant must answer or otherwise respond to the amended complaint.

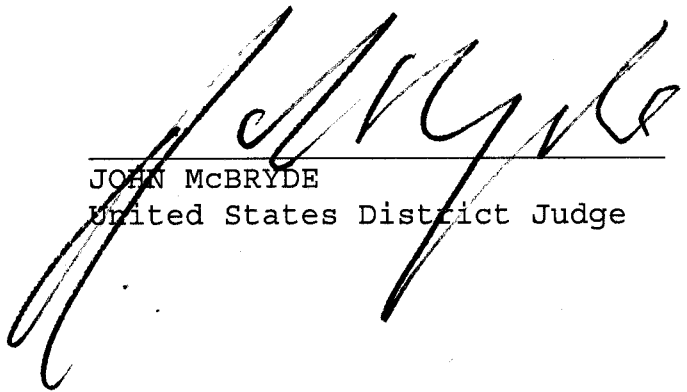
Therefore,

The court ORDERS that: (1) by May 27, 2015, plaintiff file an amended complaint that complies with the Federal Rules of Civil Procedure, the Local Civil Rules of the United States

District Court for the Northern District of Texas, and the undersigned's judge-specific requirements as set forth in the form status report order mentioned above; and, (2) by June 10, 2015, defendant file an answer or other response to the amended complaint.

The court further ORDERS that failure of any party to comply with this order may result in the imposition of sanctions, up to and including dismissal of plaintiff's claims or granting of a default judgment, as appropriate.

SIGNED May 13, 2015.



JOHN MCBRYDE
United States District Judge